

924



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,359	05/22/2000	Kenneth B. Moore	REALNET.104A	1848

20995                      7590                      05/20/2003

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 05/20/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,359

Applicant(s)

MOORE ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) [X] Responsive to communication(s) filed on 01 April 2003.
2a) [ ] This action is FINAL. 2b) [X] This action is non-final.
3) [ ] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) [X] Claim(s) 10 and 12-30 is/are pending in the application.
4a) Of the above claim(s) \_\_\_ is/are withdrawn from consideration.
5) [ ] Claim(s) \_\_\_ is/are allowed.
6) [X] Claim(s) 10 and 12-30 is/are rejected.
7) [ ] Claim(s) \_\_\_ is/are objected to.
8) [ ] Claim(s) \_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) [ ] The specification is objected to by the Examiner.
10) [ ] The drawing(s) filed on \_\_\_ is/are: a) [ ] accepted or b) [ ] objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
11) [ ] The proposed drawing correction filed on \_\_\_ is: a) [ ] approved b) [ ] disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
12) [ ] The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) [ ] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) [ ] All b) [ ] Some \* c) [ ] None of:
1. [ ] Certified copies of the priority documents have been received.
2. [ ] Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. [ ] Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
\* See the attached detailed Office action for a list of the certified copies not received.
14) [ ] Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) [ ] The translation of the foreign language provisional application has been received.
15) [ ] Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) [X] Notice of References Cited (PTO-892)
2) [ ] Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) [X] Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-7.
4) [ ] Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
5) [ ] Notice of Informal Patent Application (PTO-152)
6) [ ] Other:

**DETAILED ACTION**

1. Claims 10 and 12-30 are pending.
2. A substitute specification is required since the original specification has holes on the top of pages.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 10, 12, and 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the differences" (both occurrences). There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the differences" (both occurrences). There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:  

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 12, and 19-30 are rejected under 35 U.S.C. 101 because in claims 12-15, Applicant is claiming a "device" or "system", however, no structure (hardware) has been

Art Unit: 2173

recited in the claims. As such, the claims are directed to software per se and are non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 10 and 12-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Washington et al ("Washington", USP 6542166).

Regarding claims 10, 12-13, Washington teaches steps of defining a class of graphical display objects (controls; col 3, lines 5-6) which comprises receiving a default definition data structure wherein the default definition data structure includes information about a default graphical display object (standard interface compliant control; col 3, lines 7-12); receiving a first class member definition data structure related to a first graphical display object (second internal control object) wherein the first class member definition data structure includes information about the differences (changes of the control) between the default graphical display object and the first graphical display object (col 3, lines 23-29) ; and receiving a second class member definition data structure related to a second graphical display object (third internal control object) wherein the second class member definition data structure includes information about

Art Unit: 2173

the differences (changes) between the default graphical display object and the second graphical display object (col 3, lines 36-39).

Regarding claims 14-15, Washington teaches the steps of building a graphical display object (control) which comprises the receiving a default class definition (first internal control object) and extracting information relating to a graphical display object from the default class definition (col 3, lines 7-16); receiving a first class member definition (second internal control object) and extracting information relating to a graphical display object from first class member definition (col 3, lines 22-32); and building the graphical display object based at least upon the extracted information from the first class member definition and the extracted information from the default class definition wherein the extracted information from the first class member definition overrides at least a portion of the extracted information from the default class definition (col 3, lines 35-42).

Regarding claims 16,19, 22, 25, and 28, Washington teaches that the graphical display object relates to a graphical user interface object (control; col 3, lines 6-8).

Regarding claims 17 and 20, 23, 26 and 29, Washington teaches that the graphical user interface object includes programmable buttons (option buttons; col 1, lines 18-24).

Regarding claims 18, 21, 24, 27, and 30, Washington teaches that the default graphic display object is provided by a template (standard interface compliant control; col 3, lines 7-10); and wherein the first and second class definition data structure are

Art Unit: 2173

provided by file created independent of a media player (copy of the control; col 3, lines 28-34; lines 35-39; col 5, lines 27-29).

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach about creating graphical user interface objects from templates which relate to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7238 (After Final Communication)

or

(703)-746-7239 (Official Communications)

(703)-746-7240 (For Status Inquiries, draft communication)

and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Application/Control Number: 09/576,359

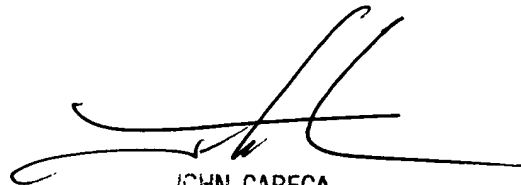
Page 6

Art Unit: 2173

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

May 12, 03.



JOHN CABECA  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2100